

118TH CONGRESS
1ST SESSION

H. R. 3903

To amend the Food and Nutrition Act of 2008 to enhance the administrative and judiciary process for SNAP retailers.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2023

Mr. ESPAILLAT introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Food and Nutrition Act of 2008 to enhance the administrative and judiciary process for SNAP retailers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Keeping SNAP in our
5 Communities Act of 2023”.

6 **SEC. 2. AMENDMENTS.**

7 Section 14(a) of the Food and Nutrition Act of 2008
8 (7 U.S.C. 2025(a)) is amended—

1 (1) in paragraph (2) by striking “by any” and
2 inserting “to each of the firm’s owners, officers, and
3 managers by email and via any other”,

4 (2) in paragraph (3) by striking “ten” and in-
5 serting “30”,

6 (3) by amending subparagraph (4) to read as
7 follows:

8 “(4) If such a request is not made by the store, con-
9 cern, or State Agency or if such store, concern, or State
10 agency otherwise fails to submit information in support
11 of its position after filing a request, the administrative de-
12 termination shall be a final determination, subject to the
13 provisions of judicial review.”, and

14 (4) by amending paragraph (5) to read as fol-
15 lows:

16 “(5) If such request is made by such store, concern,
17 or State agency, such information as may be submitted
18 by the store, concern, or State agency, as well as such
19 other information as may be available, shall be reviewed
20 by the person or persons designated by the Secretary, who
21 shall, subject to the right of judicial review hereinafter
22 provided, make a determination within 60 days after sub-
23 mission of the store’s response. The agency’s determina-
24 tion shall be final and shall take effect 30 days after the
25 date of the delivery or service of such final notice of deter-

1 mination. In all administrative proceedings involving the
2 denial, withdrawal, or disqualification of a retail food store
3 from the supplemental nutrition assistance program, the
4 agency shall bear the burden of proof of establishing that
5 the denial, withdrawal, or disqualification is based on a
6 preponderance of the evidence. The agency shall produce,
7 within 10 days of any request by the store or its counsel,
8 all records reviewed or relied upon by the agency in issuing
9 the charge letter or other notice. Notwithstanding any pro-
10 vision in this Act or other statutory provision, the agency
11 shall produce information and records otherwise prohib-
12 ited from disclosure to counsel for the store subject to a
13 nondisclosure agreement.”.

14 **SEC. 3. REPORTING.**

15 Not later than 180 days after the enactment of this
16 Act, the Secretary of Agriculture shall conduct a study
17 that contains the following:

18 (1) How often first-time trafficking offenders
19 are given a penalty of permanent disqualification in
20 lieu of civil penalty, disaggregated by—

21 (A) the number of employees and revenue,

22 and

23 (B) the race and ethnicity of owners.

1 (2) An analysis of the Anti-Fraud Locator
2 Using Electronic Benefits Transfer System
3 (ALERT) including—

4 (A) what are the metrics of detecting
5 fraudulent activity,

6 (B) how the metrics of detecting fraudu-
7 lent activity were determined,

8 (C) how often these metrics are updated to
9 ensure they continue to be reliable, and

10 (D) what metrics are reviewed in addition
11 to ALERT findings to determine fraudulent ac-
12 tivity.

13 **SEC. 4. EFFECTIVE DATE.**

14 (a) IN GENERAL.—Except as provided in subsection
15 (b), this Act shall take effect 1 year after the date of the
16 enactment of this Act.

17 (b) EFFECTIVE DAY OF SECTION 3.—Section 3 shall
18 take effect on the date of the enactment of this Act.

○